

Town Clerk Meeting Minutes
SEMI-ANNUAL TOWN MEETING
MAY 19, 2003

The meeting under the foregoing Warrant was held in the auditorium of the West Boylston Middle/High School on May 19, 2003, and was called to order by the Moderator at 8:46 p.m.

The Moderator announced that a quorum has been met, that there are 4,415 registered voters as of Dec. 31, 2002 and that 3% of registered voters are required to convene for a total of 132. 2%, or 88 voters maintain a quorum, and reconvene.

Following the Pledge of Allegiance to the flag of the United States of America, a moment of silence was observed in memory of all those residents who died since the last Annual Town Meeting.

Upon a motion of H. Carter Hunt, Jr. and second by the floor it was unanimously voted to waive the reading of the warrant.

ARTICLE 1 –

AUTHORIZATION TO HEAR THE REPORTS OF OFFICERS AND COMMITTEES OF THE TOWN

Upon a motion of Allen Phillips and second by Kevin McCormick it was unanimously voted to hear the reports of the officers and standing committees of the town.

ARTICLE 2-

AUTHORIZATION TO BORROW IN ANTICIPATION OF REVENUE AND TO ENTER INTO A COMPENSATING BALANCE AGREEMENT WITH A BANK

Upon a motion of James Ryan and second by Wayne LeBlanc it was unanimously voted to authorize the Town Treasurer/Tax Collector, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the Fiscal Year 2004, the period from July 1, 2003 through June 30, 2004, in conformity with the provisions of the Massachusetts General Laws, Chapter 44, Section 4, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17, and to authorize the Treasurer/Tax Collector to enter into a compensating balance agreement or agreements for Fiscal Year 2004 pursuant to Massachusetts General Laws, Chapter 44, Section 53F.

Combining Articles 3-11

Upon a motion of Wayne LeBlanc and second by Kevin McCormick it was unanimously voted to combine and accept articles 3-11 with the following amendment to Article 5- Cemetery Trustees, section b) by adding the words “exclusive of” after Cemetery Department.

ARTICLE 3 –

AUTHORIZATION TO ESTABLISH A REVOLVING FUND FOR WBPA-TV

Upon a motion of Wayne LeBlanc and Kevin McCormick it was unanimously voted to establish a Revolving Fund for WBPA-TV in conformity with Massachusetts General Laws, Chapter 44 Section 53E½ for the following purposes and subject to the following conditions:

- a) to be used to purchase equipment to further enhance the cable-casting abilities of the town;
- b) to be used to purchase expendable material as needed, such as videotape, batteries, gaffer's tape, lights, etc.;
- c) to be the depository for those receipts submitted to WBPA-TV for the operation of WBPA-TV that have been authorized by the Board of Directors of WBPA-TV, as well as the franchise license fee paid by Charter Communications to the town;
- d) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2004 set at \$5,000.
- e) to not be used for any wages or salaries, since WBPA-TV is a volunteer organization; and
- f) to have the Board of Directors of WBPA-TV be the only authority empowered to expend monies from this fund;

ARTICLE 4 –

AUTHORIZATION TO ESTABLISH A REVOLVING FUND FOR THE BOARD OF HEALTH

Upon a motion of Wayne LeBlanc and Kevin McCormick it was unanimously voted to authorize the Board of Health to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E½ for the following purposes and subject to the following conditions:

- a) to be the depository for fees derived from permits issued to licensed sewage haulers in the Town of West Boylston, said fees shall cover the cost of dumping at the Upper Blackstone Water Pollution Abatement District (U.B.W.P.A.D.), plus an administrative charge;
- b) to be the depository for fees derived from plan reviews, inspections administrative charges and other fees for services rendered by the Board of Health;
- c) to pay the U.B.W.P.A.D. for sewage dumped at its facility in Millbury by sewage haulers licensed in the Town of West Boylston;
- d) to pay Board of Health inspectors and/or agents for services provided for food service, sanitary code compliance, public nuisance, noisome trade inspections; and for percolation and soil testing, septic system design review, septic system installation review, final septic inspection and engineering services;
- e) to fund administrative expenses of the Board of Health, including wage and salary expenses of part-time employees of the Board of Health;

- f) to have a limit on the total amount which may be spent from the Fund in Fiscal Year 2004 set at \$50,000; and
- g) to have the Board of Health be the only authority empowered to expend monies from this fund.

ARTICLE 5 –

AUTHORIZATION TO ESTABLISH A REVOLVING FUND FOR THE CEMETERY TRUSTEES

Motion was made by Wayne LeBlanc and second by Kevin McCormick it was unanimously voted to accept this article with the following amendment to section b) by inserting the words “exclusive of” after “Cemetery Department.” It was voted to authorize the Cemetery Trustees to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E½, for the following purposes and subject to the following conditions:

- a) to pay the ordinary operating costs of the Cemetery Department, including but not limited to, part-time wages and grave opening costs, and excluding any full-time salaries and wages or elected officials wages;
- b) to be the depository for all fees collected by the Cemetery Department exclusive of perpetual care and sale of lots receipts;
- c) to set a limit on expenditures from said fund in Fiscal Year 2004 at \$40,000; and
- d) to have the Cemetery Trustees be the only authority empowered to expend monies from said fund.

ARTICLE 6 –

AUTHORIZATION TO ESTABLISH A REVOLVING FUND FOR THE COUNCIL ON AGING

Upon a motion of Wayne LeBlanc and Kevin McCormick it was unanimously voted to authorize the Council On Aging to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E½ for the following purposes and subject to the following subject:

- a) to pay for activities related to the Council On Aging programs that were not provided for in the Fiscal Year 2004 operating budget;
- b) to fund the administrative expenses of the Council On Aging, including, but not limited to, the wages of part-time employees of the Council On Aging;
- c) to be the depository for fees and donations derived from various fund raising activities collected by the Council On Aging;
- d) to be the depository for revenue and reimbursements from the Worcester Regional Transit Authority (WRTA) and user fees and donations for transportation services provided by the Council On Aging;

- e) to have the Council On Aging be the only authority empowered to expend monies from this fund; and
- f) to have a limit on the total amount to which may be spent from the fund in Fiscal Year 2004 set at \$60,000.

ARTICLE 7 –

AUTHORIZATION TO ESTABLISH A REVOLVING FUND FOR THE PLANNING BOARD

Upon a motion of Wayne LeBlanc and Kevin McCormick it was unanimously voted to authorize the Planning Board to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E½, for the following purposes and subject to the following conditions:

- a) to pay agents, planners, and engineers of the Planning Board for services provided for permit application and plan review, and consultant services;
- b) to fund administrative and wage expenses of the Planning Board, including wage and salary expenses of part-time employees of the Planning Board;
- c) to be the depository for fees derived from plan review filing fees and all other fees charged by the Planning Board;
- d) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2004 set at \$50,000; and
- e) to have the Planning Board be the only authority empowered to expend monies from this fund.

ARTICLE 8 –

AUTHORIZATION TO ESTABLISH A REVOLVING FUND FOR THE ZONING BOARD OF APPEALS

Upon a motion of Wayne LeBlanc and Kevin McCormick it was unanimously voted to authorize the Zoning Board of Appeals to establish a revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E½, for the following purposes and subject to the following conditions:

- a) to pay agents, attorneys, planners, and engineers of the Zoning Board of Appeals for services provided for permit application and plan review, and consultant services;
- b) to fund administrative and wage expenses of the Zoning Board of Appeals, including wage and salary expenses of part-time employees of the Zoning Board of Appeals;
- c) to be the depository for fees derived from variance, special permit, comprehensive permit filing fees and all other fees charged by the Zoning Board of Appeals;

- d) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2004 set at \$25,000; and
- e) to have the Zoning Board of Appeals be the only authority empowered to expend monies from this fund.

ARTICLE 9 –

AUTHORIZATION TO ESTABLISH A REVOLVING FUND FOR THE CONSERVATION COMMISSION

Upon a motion of Wayne LeBlanc and Kevin McCormick it was unanimously voted to authorize the Conservation Commission to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E½, for the following purposes and subject to the following conditions:

- a) to pay agents, planners and engineers of the Conservation Commission for services provided for permit application and plan review, and consultant services;
- b) to fund administrative and wage expenses of the Conservation Commission, including, but not limited to, wage and salary expenses of part-time employees of the Conservation Commission;
- c) to be the depository for fees derived from all Wetland Protection Act filing fees and all other fees charged by the Conservation Commission;
- d) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2004 set at \$25,000; and
- e) to have the Conservation Commission be the only authority empowered to expend monies from this fund.

ARTICLE 10 –

AUTHORIZATION TO ESTABLISH A REVOLVING FUND FOR THE PARK COMMISSION

Upon a motion of Wayne LeBlanc and Kevin McCormick it was unanimously voted to authorize the Park Commission to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E½, for the following purposes and subject to the following conditions:

- a) to fund the costs of maintaining and operating the municipal swimming pool, as well as the fields and facilities under the jurisdiction of the Park Commission, including the purchase of supplies and services necessary to maintain the pool and facilities;
- b) to fund the construction and paving of the off-street parking area located off of lower Goodale Street; said activities to be undertaken in coordination with the Streets and Parks Department and in conformity with all applicable laws and permit requirements;
- c) to fund the repair and maintenance of parks and park facilities, including, but not

limited to the tennis and basketball courts and playing fields; said activities to be undertaken in coordination with the Streets and Parks Department and in conformity with all applicable laws and permit requirements;

- d) to fund the costs of operating the summer recreation programs;
- e) to fund administrative and wage expenses associated with the administration and operation of the programs of the Park Commission, including wage and salary expenses of the part-time employees of the Parks Commission;
- f) to be the depository for fees and donations collected by the Park Commission;
- g) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2004 set at \$100,000; and
- h) to have the Park Commission be the only authority empowered to expend monies from this fund;

ARTICLE 11 –

AUTHORIZATION TO ESTABLISH A REVOLVING FUND FOR THE FIRE DEPARTMENT

Upon a motion of Wayne LeBlanc and Kevin McCormick it was unanimously voted to authorize the Fire Department to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E½, for the following purposes and subject to the following conditions:

- a) to fund the costs of purchasing and installing equipment, as well as the operation and maintenance associated with the municipal fire alarm system service;
- b) to fund administrative and wage expenses associated with the operation and maintenance of the municipal fire alarm system, including wage and salary expenses of part-time employees of the Fire Department;
- c) to be the depository for fees charged to private property owners for use of the municipal fire alarm system by the Fire Department;
- d) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2004 set at \$10,000; and
- e) to have the Board of Fire Engineers, or its successor be the only authority empowered to expend monies from this fund;

ARTICLE 12 –

PERSONNEL BYLAW AMENDMENTS RELATIVE TO EMPLOYEES OF THE FIRE DEPARTMENT

Upon a motion of Kevin McCormick and second by Wayne LeBlanc it was unanimously voted to amend this article as follows: after “Officers-in-Charge who are on call for weekends are paid three hours” insert the words “per day”.

A motion of Kevin McCormick and second by Wayne LeBlanc it was unanimously voted to amend the Personnel Bylaw of the Town, Article XXI, Section 5, Part AA 1. Classification Plan by adding the following after the paragraph that starts, “The non-exempt emergency fire and medical...”

Per Diem positions are used to fill open shifts within the fire department. Per Diem employees are paid by the hour with no benefits. Officers-in-Charge who are on call for weekends are paid three hours per day for being available to respond to calls, and paramedics and EMT’s who sign up to be ‘on-call’ for open shifts are paid 1 hour for every two hours on call.

Combining Articles 13-17

Upon a motion of Kevin McCormick and second by Wayne LeBlanc it was unanimously voted to combine and accept articles 13-17 as printed in the warrant.

ARTICLE 13 –

PERSONNEL BYLAW AMENDMENTS RELATIVE TO EMPLOYEES OF THE FIRE DEPARTMENT

Upon a motion of Kevin McCormick and second by Wayne LeBlanc it was unanimously voted to amend the Personnel Bylaw of the Town, Article XXI, Section 5, Part AA 1. Classification Plan, Non-Exempt Emergency Fire and Medical Employees Grade 2F by deleting the current categories and replacing it with the following new categories:

Call, fulltime and per diem firefighters
Call, and per diem EMT’s (Basic, Intermediate and Paramedic)

ARTICLE 14 –

PERSONNEL BYLAW AMENDMENTS RELATIVE TO EMPLOYEES OF THE FIRE DEPARTMENT

Upon a motion of Kevin McCormick and second by Wayne LeBlanc it was unanimously voted to amend the Personnel Bylaw of the Town, Article XXI, Section 5, Part J, Hiring Procedures by adding the following as a new paragraph:

7. An employee shall receive a Promotion when the employee changes from a position of lower classification and compensation grade to a position with greater responsibilities in a higher classification and compensation grade. The employee shall receive the rate of pay in the new compensation grade that results in at least a five-percent increase.

The employee may receive an additional one step-rate increase at the time of the Promotion if the Department Head feels that the employee’s qualifications and performance warrant it and if the Town Administrator approves.

The employee receiving the Promotion shall still be eligible for their next step increase on the anniversary of their original date of hire as an employee of the Town of West Boylston.

ARTICLE 15 –

PERSONNEL BYLAW AMENDMENTS RELATIVE TO EMPLOYEES OF THE FIRE DEPARTMENT

Upon a motion of Kevin McCormick and second by Wayne LeBlanc it was unanimously voted to amend the Personnel Bylaw of the Town, Article XXI, Section 5, Part L4, Emergency Fire Personnel: by amending the hours as follows:

From: "... the hours of 11:00 pm and 7:00 am"

To: "...the hours of 11:00 pm and 6:00 am"

ARTICLE 16 –

PERSONNEL BYLAW AMENDMENTS RELATIVE TO EMPLOYEES OF THE FIRE DEPARTMENT

Upon a motion of Kevin McCormick and second by Wayne LeBlanc it was unanimously voted to amend the Personnel Bylaw of the Town, Article XXI, Section 5, Part L5, Compensatory Time Off: section d. by deleting the current text and replacing it with the following paragraph:

"Compensatory time off may be accumulated to a maximum of forty (40) hours for all employees, except full-time Emergency Fire Personnel who can accumulate a maximum of fifty-three (53) hours, to be used at a later time upon mutual agreement. (Compensatory time off is compensated at the rate of one and one-half times the hours accumulated. The maximum hours that could be taken are 60 and 79.5, respectively.)"

ARTICLE 17 –

PERSONNEL BYLAW AMENDMENTS RELATIVE TO EMPLOYEES OF THE FIRE DEPARTMENT

Upon a motion of Kevin McCormick and second by Wayne LeBlanc it was unanimously voted To see the Town will vote to amend the Personnel Bylaw of the Town, Article XXI, Section 5, Part F5, Emergency Fire Personnel by deleting the current text and replacing it with the following paragraph:

"Emergency Fire Personnel: All persons reporting to the Board of Fire Engineers, including Call and Per Diem. (Call personnel respond to events or stand by when needed. Per Diem personnel fill actual time slots.)"

ARTICLE 18 –

AUTHORIZATION TO ACCEPT THE PROVISIONS OF GENERAL LAWS, CHAPTER 48, SECTION 42 SO AS TO ESTABLISH THE POSITION OF SO-CALLED STRONG FIRE CHIEF TO BE APPOINTED BY THE TOWN ADMINISTRATOR AND TO ABOLISH THE BOARD OF FIRE ENGINEERS AS OF THE EFFECTIVE DATE OF THE APPOINTMENT OF THE FIRE CHIEF

Upon a motion of Wayne LeBlanc and second by Kevin McCormick it was voted as read to adopt Massachusetts General Laws, Chapter 48, Sections 42, 43 and 44 so as to establish the position of Fire Chief; to abolish the Board of Fire Engineers; and adopt the following bylaw.

ARTICLE II – TOWN OFFICERS AND DUTIES

Section 5.

In conformity with the provisions of Section 6, Section 8(h), and Section 11 of Chapter 23 of the Acts of 1995, the Town Administrator shall appoint a person qualified by training, education and experience to have control of the fire department to be known as the chief of the fire department who shall have all the powers and responsibilities of the Fire Chief under Massachusetts General Laws, Chapter 48, Sections 42 and who shall serve for a term of up to three years under an employment contract as allowed by Massachusetts General Laws, Chapter 41, Section 108O to be negotiated by the Town Administrator, subject to the approval of the Board of Selectmen.

The Board of Fire Engineers will continue to serve until the effective date of the appointment of the Fire Chief.

ARTICLE 19 –

AUTHORIZATION TO EXPEND FUNDS IN ANTICIPATION OF REIMBURSEMENT OF STATE HIGHWAY ASSISTANCE AID

Upon a motion of James Ryan and second by Allen Phillips it was unanimously voted to accept any and all state highway assistance funds authorized by the state legislature and approved by the Massachusetts Highway Department under the so-called Chapter 90 Highway Assistance Program to be expended for the maintenance, repair and construction of town roads in anticipation of reimbursement under the direction of the Board of Selectmen and the Town Administrator for work on roads located on the State Aid Primary System as approved by the Massachusetts Highway Department, and further to authorize the Town Treasurer/Tax Collector, with the approval of the Board of Selectmen, to borrow money from time to time during Fiscal Year 2004, for the period from July 1, 2003 through June 30, 2004, in anticipation of reimbursement of said highway assistance in conformity with the provisions of Massachusetts General Laws, Chapter 44, Section 6A.

ARTICLE 20 –

AUTHORIZATION TO AMEND THE PERSONNEL BYLAW RELATIVE TO AMENDING JOB CLASSIFICATION TITLES

Upon a motion of Allen Phillips and second by Wayne LeBlanc it was unanimously voted to change Article XXI Personnel Bylaw Section 5 AA. CLASSIFICATION AND COMPENSATION PLAN by changing:

Part 1 Classification Plan Grade 3 from “Assistant to the Program Coordinator - COA” to “Assistant to the Program Director COA” and Grade 6 to read “Council on Aging (COA) Coordinator”, to “Council on Aging (COA) Director”,

Part 2 Compensation Plan Grade 6 from “COA Coordinator” to “COA Director”, and Part 1 Classification Plan Grade 4 from “Administrative Secretary for Public Works” to “Administrative Secretary for Streets and Parks”

ARTICLE 21 –

AUTHORIZATION TO AMEND THE PERSONNEL BYLAW RELATIVE TO AMENDING RELATIVE TO THE DEFINITION OF EMPLOYEE

Upon a motion of Kevin McCormick and second by Wayne LeBlanc it was unanimously voted to amend this article text by replacing “Section 1” with “Section 2”.

A motion was made by Kevin McCormick and second by Wayne LeBlanc and was unanimously voted to change Article XXI Personnel Bylaw Section 2 by inserting after “who are not employees of the Town”: “As defined in the federal Fair Labor Standards Act (FLSA) Section 3 (e).”

ARTICLE 22 –

AUTHORIZATION TO AMEND THE PERSONNEL BYLAW RELATIVE TO OVERTIME

Motion was made by James Ryan and seconded by Kevin McCormick, it was unanimously voted to accept this article as read and to change Article XXI Personnel Bylaw Section 5 L “Overtime” by deleting:

“for all hour worked in excess of eight (8) hours daily within the regularly scheduled work week for respective employee and in excess of forty (40) hours within the work week except for public safety employees, or for work performed in excess of the hours permitted under the federal Fair Labor Standards Act (FLSA) work week”,

And inserting:

“for all hours worked in excess of eight (8) hours daily within the regularly scheduled work week for respective employee or in excess of forty (40) hours within the work week whichever is greater except for public safety employees, or for work performed in excess of the hours permitted under the federal Fair Labor Standards Act (FLSA) work week. No employee shall be paid both daily and weekly overtime for the same hours worked.”

ARTICLE 23 –

AUTHORIZATION TO AMEND ARTICLE XXV – NON -CRIMINAL DISPOSITION OF BYLAW VIOLATION OF THE GENERAL BYLAWS TO INCLUDE VIOLATIONS OF THE ROADWAY OPENING PERMIT RULES AND REGULATIONS

Upon a motion of Allen Phillips and seconded by Wayne LeBlanc it was voted by majority to amend ARTICLE XXV - NON-CRIMINAL DISPOSTION OF BYLAW VIOLATIONS of the General Bylaws by authorizing the non-criminal disposition of the Roadway Opening Permit Rules and Regulations authorized under Section 9 of ARTICLE XII - PUBLIC WAYS AND PROPERTIES of the General Bylaws by adding the following:

**GENERAL BYLAWS
RULES AND REGULATIONS**

Section Number and Name		Enforcing Person	Penalty Schedule
ARTICLE XII – PUBLIC WAYS Section 9	Roadway Opening Permit Rules and Regulations	Superintendent of Streets and Parks, and Police Officer	In the Regulation

ARTICLE 24 –

**AUTHORIZATION TO AMEND SECTION 5, ARTICLE IV – OFFICE OF FINANCIAL MANAGEMENT
RELATIVE TO THE BOARD OF ASSESSORS ANNUAL PUBLICATION OF STATISTICS**

Upon a motion of Richard Baker and second by Joseph Lajeusse it was voted by a majority to amend this article by striking the words “as appropriate and upon request” and inserting the words “at the Office of the Assessors and not on the West Boylston Web-site.

A second motion was made by Wayne LeBlanc and second by Allen Phillips and was voted by a majority to amend Section 5 of ARTICLE IV – OFFICE OF FINANCIAL MANAGEMENT
RELATIVE TO THE BOARD OF ASSESSORS ANNUAL PUBLICATION OF STATISTICS as follows:

Delete the following:

“Section 5.

The Assessors shall, in addition to such matters as required by law, publish annually prior to the first day of September, a report containing all the statistics for the current year in detail similar to the report for 1938.”

And insert the following:

“Section 5.

The Board of Assessors shall, in addition to such matters as required by law, provide the public by December 31st annually with a comprehensive report containing all the statistics and available data used by the Board of Assessors in the assessment of real property value used in the establishment of a municipal real estate and personal property tax rate for the municipal fiscal year commencing on the July 1st of the same calendar year. The report and related mapping information shall be made available to the public during the hours of operation of the Office of the Board of Assessors. The Board of Assessors shall file copies of the report with the Town Clerk and Board of Selectmen, and further, shall make it available to the public in a printed or electronic format at the Office of the Assessors and not on the West Boylston Web-site.

ARTICLE 25 –

AUTHORIZATION TO ACCEPT THE PROVISIONS OF GENERAL LAWS, CHAPTER 40, SECTIONS 22 AND SECTION 22A RELATIVE TO MOTOR VEHICLES PARKED IN VIOLATION OF LAW

Upon a motion of Allen Phillips and second Kevin McCormick it was unanimously voted to accept the provisions of Massachusetts General Laws, Chapter 40, Section 22 Regulation of vehicles; penalties for violation; disabled veterans and handicapped persons excepted from parking violations; taxicab licenses and Section 22A Parking meters; restricted parking areas authorizing the Board of Selectmen to make rules and regulations relative to parking and establishment of handicapped and restricted parking areas, provided that the public is notified in conformity with the requirements of said statutes and ARTICLE XXIII - PUBLIC HEARING AND NOTICE of the General Bylaws.

ARTICLE 26 –

AMENDMENT TO ARTICLE XII - PUBLIC WAYS AND PROPERTIES RELATIVE TO PARKING RULES AND REGULATIONS

Upon a motion of James Ryan and second Wayne LeBlanc it was unanimously voted to amend ARTICLE XII - PUBLIC WAYS AND PROPERTIES of the General Bylaws by adding a new section as follows:

“ Section 10.

The Board of Selectmen may make parking rules and regulations relative to parking of vehicles and the establishment of handicapped and restricted parking areas, provided that the public is notified in conformity with the requirements of state law including, but not limited to Massachusetts General Laws, Chapter 40, Sections 21D, 22, 22A et al, and ARTICLE XXIII - PUBLIC HEARING AND NOTICE of the General Bylaws.”

ARTICLE 27 –

AUTHORIZATION TO AMEND ARTICLE XXV – NON CRIMINAL DISPOSITION OF BYLAW VIOLATION OF THE GENERAL BYLAWS TO INCLUDE VIOLATIONS OF PARKING RULES AND REGULATIONS

Upon a motion of Wayne LeBlanc and second Allen Phillips it was unanimously voted to amend ARTICLE XXV - NON-CRIMINAL DISPOSITION OF BYLAW VIOLATIONS of the General Bylaws by authorizing the non-criminal disposition of violations of parking rules and regulations authorized under Section 10 of ARTICLE XII - PUBLIC WAYS AND PROPERTIES of the General Bylaws by adding the following:

**GENERAL BYLAWS
RULES AND REGULATIONS**

Section Number and Name	Enforcing Person	Penalty Schedule
ARTICLE XII – PUBLIC WAYS		
Section 10	Parking Rules and Regulations	Police Officer In regulation

ARTICLE 28 –

**ACCEPTANCE OF MASSACHUSETTS GENERAL LAWS, CHAPTER 111, SECTION 155
AUTHORIZING THE BOARD OF HEALTH TO LICENSE STABLES WITH THE TOWN OF WEST
BOYLSTON**

Motion by James Ryan, second by Kevin McCormick with the following Amendment to the Article: after “Forty Dollars and No Cents (\$40.00)”, strike the remaining text of the article. This motion was unanimously carried.

After much discussion and debate a motion was by Susan Schlenger and seconded by the floor to table this article until a written opinion from Town Counsel can be brought to Town Meeting. The vote to table was carried by a majority.

This article would have accepted the provisions of Massachusetts General Laws, Chapter 111, Section 155 which states that “no person shall erect, occupy or use for a stable any building in a city or in a town having more than 5,000 inhabitants, unless such use is licensed by the Board of Health, and in such case, only to the extent so licensed,” and to approve the fee for such license not to exceed Forty Dollars and No Cents (\$40.00).

ARTICLE 29 –

ZONING BYLAW AMENDMENT

Upon a motion of Kevin McCormick and second by Allen Phillips it was unanimously voted to amend the Zoning By-laws as follows:

Add the following new section 1.4.D.:

Reconstruction, extension, alteration or structural change to a single- or two-family residential, non-conforming structure shall be allowed, and shall not require a special permit or variance from the Board of Appeals under Section 1.4.B, provided that such reconstruction, extension, alteration or structural change does not increase the non-conforming nature of said structure.

The Inspector of Buildings may determine that reconstruction, extension, alteration or structural change to a single- or two-family residential, non-conforming structure does not increase the non-conforming nature of said structure when:

- a. such change does not intensify the structure's existing nonconformities or result in additional ones, or
- b. it retains the existing footprint and does not increase the envelope of that structure. The "envelope" of a structure shall be the existing outer surfaces of the structure.

Add the following as a second paragraph in Section 1.4.B.:

Non-conforming structures shall include structures which are otherwise conforming but are located on non-conforming lots. Reconstruction, extension, alteration or structural change to a single- or two-family residential, non-conforming structure may be permitted by the Building Inspector pursuant to Section 1.4.D.

30 – tabled

A motion by Hamilton Given and second by the floor, it was voted by a majority to table this article until the June 9th reconvened town meeting session with the following amendment; after the age of strike "sixty-five" and replace it with "sixty-two."

ARTICLE 31 –

AUTHORIZATION TO NAME THE SQUARE LOCATED AT THE INTERSECTIONS OF WOODLAND AND PROSPECT STREETS THE JOHN GLEASON MEMORIAL SQUARE

Upon a motion of Allen Phillips and second by James Ryan it was unanimously voted to name the so-called traffic island or square located at the intersections of Woodland and Prospect Streets, The John Gleason Memorial Square, and further authorize the Board of Selectmen to seek donations for the purpose of funding the installation of an appropriate commemorative marker

ARTICLE 32 –

AUTHORIZATION FOR THE BOARD OF SELECTMEN TO FILE SPECIAL LEGISLATION RELATIVE TO ADMINISTRATIVE OVERSIGHT OF THE HIRING PROCESS IN THE TOWN OF WEST BOYLSTON

Upon a motion of Kevin McCormick and second by Allen Phillips it was voted by a majority to authorize the Board of Selectmen to petition the General Court for a special act as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

**An Act Relative to Administrative Oversight of the Hiring Process in
the Town of West Boylston**

Section One: Section 4 of Chapter 23 of the Acts of 1995, “An Act Establishing a Board of Selectmen-Town Administrator Form of Government in the Town of West Boylston”, is hereby amended by inserting, after the conclusion of that section, a new paragraph as follows: - The appointment of all employees by the finance committee, board of appeals and personnel board, and any other multi-member body under the jurisdiction of the board of selectmen, must be approved by the board of selectmen. In order to receive the board of selectmen’s approval, each multi-member body shall inform the board of selectmen, in writing, of its intent to post openings for such positions. If the board of selectmen concurs that such position may be filled, the multi-member body may proceed to fill the positions in accordance with the town by-laws, personnel policy, state statutes and provisions of this act. The multi-member body shall inform the selectmen, in writing, of all such appointments and such appointments shall be effective fifteen calendar days after receipt of such written notification unless said board of selectmen vote by at least a two-thirds majority vote of its membership to disapprove specifically designated appointments. The board of selectmen may consolidate and/or abolish employee positions as those positions are defined in this section, subject to the limitations of the general laws.

Section Two: Section 6 of chapter 23 of the Acts of 1995, “An Act Establishing a Board of Selectmen-Town Administrator Form of Government in the Town of West Boylston”, is hereby amended by inserting, at the conclusion of that section, a new paragraph, as follows: - The appointment of all employees by any of the multi-member bodies listed in this section must be approved by the town administrator. In order to receive the town administrator’s approval, each multi-member body shall inform the town administrator, in writing, of its intent to post openings for such positions. If the town administrator concurs that such position may be filled, the multi-member body may proceed to fill the position in accordance with the town by-laws, personnel policy, state statutes and provisions of this act. The multi-member body shall inform the town administrator, in writing, of all such appointments and such appointments shall be effective fifteen calendar days after receipt of such written notification unless the town administrator disapproves the appointment in writing. The town administrator may, at his discretion and with the approval of the board of selectmen, consolidate and/or abolish employee positions as those positions are defined in this section, subject only to the limitations of the general laws.

Section Three: This act shall take effect upon passage.

ARTICLE 33 –

RESOLUTION RELATIVE TO AMENDMENT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 40B, SECTION 20 RELATIVE TO COMPREHENSIVE PERMITS AND THE PRODUCTION OF LOW AND MODERATE INCOME HOUSING

A motion of James Ryan and second by Wayne LeBlanc it was unanimously voted to adopt the following resolution;

A second motion was made to amend the article by Linda Isgro, and second by the floor. It was unanimously voted to amend the resolution as follows: after the clause “ 2. Vote to express our enthusiastic support for her bill, Senate Bill 701, and to urge the legislature to pass the

amendments provided therein and to urge Governor Mitt Romney to support the bill and sign it into law” insert the following “retroactive to April 1, 2003.”

Resolution

Town of West Boylston, May 19, 2003 Town Meeting Resolution on Senate Bill Number 701 Amending Massachusetts General Laws, Chapter 40B, Section 20, Relative To Low & Moderate Income Housing, Recommended By the Board of Selectmen and the Town Wide Planning Committee

Whereas, Massachusetts General Laws, Chapter 40B establishes a statewide unfunded mandate for all Massachusetts cities and towns to construct low and moderate income housing,

Whereas, Section 20 of MGL Chapter 40B provides that the objective of more low and moderate income housing shall in effect override Town Meeting adoption of local zoning bylaws relative to street frontage, lot size, density of construction, set back, side and rear lot distances to other property and other aspects of the zoning bylaw including removal of the ability of the Board of Zoning Appeals and Building Inspector to enforce the local zoning bylaw unless the town has at least 10% of its housing stock which meets state requirements for low and moderate income housing,

Whereas, many cities and towns have converted empty 19th Century factory buildings into low income housing, while in contrast, all of West Boylston’s 19th Century factories which were operating and productive were taken by the Commonwealth of Massachusetts in order to build the water supply for Metropolitan Boston and their foundations repose under the Wachusett Reservoir,

Whereas, Chapter 40B does not distinguish the differences in the taxable property base in its “one size fits all” mandate to cities and towns,

Whereas, West Boylston has more than 30% of its otherwise fully taxable property held in tax exempt status under ownership by Massachusetts, the Metropolitan District Commission, the Worcester County Jail, and other tax exempt or not fully taxable ownership, including land under the reservoir and additional land acquired by the MDC over the years, particularly recent years,

Whereas, West Boylston’s tax base is materially and permanently diminished by property which is not fully taxable, particularly property owned by the MDC and the County Jail,

Whereas, at least 70 bills that would amend Chapter 40B to mitigate its effect and to reform the present law have been filed with the Massachusetts legislature for the 2003-2004 Session,

Whereas, Governor Mitt Romney has established a study commission to advise him on housing, including market rate housing issues,

Whereas, West Boylston’s Senator, Harriette L. Chandler, is Senate Chairperson of the Housing Committee of the Massachusetts General Court (legislature) and is a member of Governor Romney’s Study Commission on Housing and

Whereas, Senator Chandler, at the request of the Town Wide Planning Committee, supported unanimously by the Board of Selectmen, has filed a bill, Senate Bill 701, in the legislature which would mitigate the effect of Chapter 40B on any city or town having 30% or more of its otherwise fully taxable land in tax exempt ownership by reducing the 10% low and moderate income housing mandate to 5%, thereby allowing such cities and towns that reach 5% low and moderate income housing to apply their zoning bylaws to low and moderate income housing proposals through local zoning enforcement authorities,

Now therefore, the townspeople of West Boylston in Town Meeting assembled, with a quorum present and voting throughout, vote to adopt this entire Resolution, including the following:

1. Vote to express our sincere thanks to Senator Harriette L. Chandler for her balanced and sensitive approach to low and moderate income housing, recognizing the tax base differences between cities and towns with respect to their ability to provide low and moderate income housing where, like West Boylston, a large percentage of otherwise fully taxable real estate is in tax exempt ownership.
2. Vote to express our enthusiastic support for her bill, Senate Bill 701, and to urge the legislature to pass the amendments provided therein and to urge Governor Mitt Romney to support the bill and sign it into law retroactive to April 1, 2003.
3. Vote to direct the Town Clerk to send a certified copy of this Resolution to The Honorable Harriette L. Chandler, Senate Chairperson, Joint Committee on Housing and Urban Development, for her use with the Committee, with the legislature and with the Commission appointed by Governor Romney.
4. Vote to direct the Town Clerk to send a certified copy of this Resolution to His Excellency, Mitt Romney, Governor of the Commonwealth of Massachusetts.

(Certified copies of the Certificate of Vote for Article 33, were mailed to Senator Harriette Chandler and Governor Mitt Romney on May 27, 2003)

Meeting called at 10:05 p.m., and will reconvene for Articles 34-45 on June 9th, 2003 immediately after the scheduled Special Town Meeting.

Attest:

Kim D. Hopewell
Town Clerk